

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, DC 20554

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In the Matter of )  
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Extension of Section 272 Obligations )  
Of Southwestern Bell Telephone )  
Co. in the States of Kansas and )  
Oklahoma )  
\_\_\_\_\_ )

WC Docket No. 02-112

**COMMENTS OF SPRINT CORPORATION**

Sprint Corporation, on behalf of its incumbent local exchange carrier ("ILEC"), competitive LEC ("CLEC")/long distance, and wireless divisions, respectfully submits its comments in response to the Public Notice<sup>1</sup> inviting comments on AT&T Corporation's Petition filed in the above referenced docket.<sup>2</sup>

The Petition asks the Commission to extend the structural separation and related market safeguards imposed by 47 U.S.C. Section 272 on Southwestern Bell Telephone Company ("SWBT") in Kansas and Oklahoma.<sup>3</sup> On January 22, 2004, it will be three

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<sup>1</sup> Public Notice, Pleading Cycle Established for Comments on the Petition of AT&T to Extend the Section 272 Obligations of Southwestern Bell Telephone Co. in the States of Kansas and Oklahoma, DA 03-3943 (rel. Dec. 12, 2003).

<sup>2</sup> Extension of Section 272 Obligations of Southwestern Bell Telephone Co. in the States of Kansas and Oklahoma, Petition of AT&T Corp., Docket No. WC 02-112, filed December 8, 2003 ("AT&T's Petition").

<sup>3</sup> Section 272 [47 U.S.C. § 272] requires BOCs to utilize a structurally separate corporate affiliate to provide any authorized in-region interLATA service, to submit to a biennial audit to determine compliance with Section 272 safeguards, and to comply with certain nondiscrimination provisions. Congress mandated that the separate affiliate and biennial audit safeguards remain in place at least three years from receipt of Section 271 authority,

years since SWBT obtained section 271(d) authority to provide interLATA telecommunications service. Pursuant to section 272(f), SWBT's section 272 obligations in Kansas and Oklahoma will expire at that time, if the Commission fails to extend the statutory minimum three-year period. Sprint urges the Commission to grant AT&T's Petition expeditiously.

Competition is not yet robust enough in SWBT's Kansas and Oklahoma territories to take the place of the Section 272 safeguards as a deterrent to and means of detecting discrimination against long distance competitors and cost misallocation. That SWBT is capable of such actions, and has willingly engaged in such actions, is shown by the overwhelming evidence presented by AT&T, in particular that regarding SWBT's failure to successfully complete an audit as required under Section 272(d).

SWBT's misdeeds and the consequent continued need for the Section 272 market safeguards are also set out fully in Sprint's comments and reply comments filed on May 12 and 19, 2003, respectively, in the SWBT Texas 272 Sunset proceeding<sup>4</sup> and in Sprint's comments and reply comments filed on June 30 and July 28, 2003, respectively, in the Section 272 BOC Sunset proceeding.<sup>5</sup> Rather than burden the Commission with

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and it entrusted the Commission to extend the structural separation requirements beyond that statutory minimum period when, as here, the circumstances warrant.

<sup>4</sup> *In the Matter of Extension of Section 272 Obligations of Southwestern Bell Telephone Co. in the State of Texas*, WC Docket No. 02-112.

<sup>5</sup> *In the Matter of Section 272(f)(1) Sunset of the BOC Separate Affiliate and Related Requirements*, WC Docket No. 02-112 and *2000 Biennial Regulatory Review Separate Affiliate Requirements of Section 64.1903 of the Commission's Rules*, CC Docket No. 00-175.

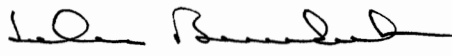
duplicative comments, Sprint incorporates its prior comments here. Copies are attached for the Commission's convenience.

AT&T has presented a compelling case for an extension of Section 272 safeguards in Kansas and Oklahoma. The record establishes plainly that, because of the extraordinary market power that SWBT still enjoys in Kansas and Oklahoma, it retains the incentive and the ability to engage in discriminatory actions against its competitors. It has a shameful record of discrimination, cost misallocation, and other competitive abuses and violations of law. The Section 272 safeguards therefore are as important today as they were when SWBT first received in-state long distance authority.

The Commission should act promptly to grant the Petition.

Respectfully submitted,

SPRINT CORPORATION

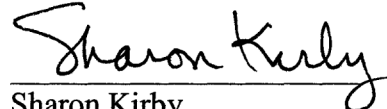
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December 22, 2003

### **CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Comments, filed by Sprint Corporation in WC Docket No. 02-112, was sent by First Class Mail, postage prepaid, and/or electronic mail on this the 22nd day of December, 2003 as follows:

  
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